IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 1136 of 2001
(Old No. 4620 of 1999)

1. Raj Bahadur Singh
   S/o Sri Chaudhry Devi Singh
2. Vivek Sirlhi Chhotu S/o Sri Raj Bahadur Singh
3. Devendra Singh S/o Lal Singh
   All R/o Village Garhi Negi
   Police Station Kashipur
   District Udham Singh Nagar .....Applicants

Vs

1. State of U.P.

2. Smt. Bhajan Kaur W/o Late Sri Avtar Singh
   R/o Village Garhi Negi
   Police Station Kashipur
   District Udham Singh Nagar Opp. Parties

Sri Dharamveer Sharma learned senior advocate assisted by Mohd. Azim, learned counsel for the applicant
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr. P.C. has been filed by the applicants/accused for quashing the proceedings in Criminal Case No. 1832 of 1999 State Vs. Raj Bahadur Singh & others under Sections 304/504 I.P.C. and Section 3 (ii) (v) S.C./S.T. Act pending in the court of C.J.M., Rudrapur, District Udham Singh Nagar.

2. Brief facts giving rise to this petition are that the First Information Report was lodged against the applicants by the respondent No. 2. After institution of the case, the police investigated the matter and submitted the Final Report on 18.11.1998. Thereafter again the investigation of the case was reopened and the Investigating Officer submitted the chargesheet against the applicants under Sections 304, 504, I.P.C. and 3 (ii)(v) S.C. / S.T. Act.

3. Heard Sri Dharamveer Sharma, learned senior counsel appearing on behalf of the applicants/petitioners, learned A.G.A. and perused the record.

4. After having considered the arguments of the learned counsel for the petitioners, I am of the view that there is no abuse of process of the court in this case. I am not supposed to act as a trial judge in order to assess the evidence which are still incomplete and hazy. It is for the trial judge to appreciate the evidence, which is yet to lead by the parties concerned before him. While exercising the jurisdiction under Section 482 Cr. P.C., I am not supposed to pre-judge, the police papers and any discrepancies therein.

5. The allegations in the First Information Report and the material collected by the Investigating Officer during the investigation are referred in the chargesheet and the prima-facie case makes out the offence. I therefore, do not find any ground for quashing the criminal proceedings at this stage.

6. Therefore, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition is dismissed. Stay order dated 30.09.1999 granted by this Court stands vacated.

(B.C. Kandpal, J.)

24.07.2006
ASWAl